

Edw. Thomas /
1798

T H E

P U B L I C L A W S

OF THE STATE OF

SOUTH-CAROLINA,

FROM ITS FIRST ESTABLISHMENT AS A BRITISH PROVINCE
DOWN TO THE YEAR 1790, INCLUSIVE,

IN WHICH

IS COMPREHENDED SUCH OF THE STATUTES OF GREAT BRITAIN AS WERE MADE OF FORCE BY
THE ACT OF ASSEMBLY OF 1712,

With an Appendix containing such other Statutes as have been enacted or
declared to be of force in this State, either virtually or expressly,

TO WHICH IS ADDED

THE TITLES OF ALL THE LAWS (WITH THEIR RESPECTIVE DATES) WHICH HAVE BEEN PASSED IN
SOUTH-CAROLINA DOWN TO THE PRESENT TIME,

ALSO

The Constitution of the United States with the amendments thereto,

AND LIKEWISE

THE NEWLY ADOPTED CONSTITUTION OF THE STATE OF SOUTH-CAROLINA,

TOGETHER WITH A COPIOUS INDEX TO THE WHOLE.

By the Honorable JOHN FAUCHERAUD GRIMKE, Esq. A. B. & L. L. D. and one of the
Associate Judges of the Superior Courts in the State of South-Carolina.

Misericordia est, ubi Jus est Vagum aut Incognitum. 4 Inst. 246, 332:

LAW

PHILADELPHIA:

PRINTED BY R.AITKEN & SON, IN MARKET STREET.

M.DCC.XC.

of South-Carolina.

275

An Act for establishing a Ferry at the Two-Sisters Bluff, on Savannah River; and for laying out, making and keeping in Repair, a public Road from the said Bluff, to the main Road leading from Coosaw-hatchee to Purrysburgh.

A. D. 1769.
N^o. 1098.

WHEREAS many of the freeholders and inhabitants of the parish of St. Peter, and parts adjacent, in Granville county, by their petition to the General Assembly set forth, that the establishing a ferry from this Province to Georgia, over Savannah river, at the Two-Sisters Bluff, will be very convenient to persons having occasion to pass from one to the other of those Provinces; and that it will be also of advantage to the said petitioners, their neighbours, and persons passing the said ferry, to have a public road laid out from the said Two-Sisters Bluff, to the lower part of Cypress Creek, thence the best and nearest way across the Savannah to Turkey Hill, from thence the nearest and best way to the fifteen mile post, on the main road leading from Coosaw-hatchee to Purrysburgh; and therefore prayed that an act may be passed for establishing the said ferry and road: *Therefore be it enacted,* That from and immediately after the passing of this act, a public ferry shall be, and is hereby established, at the Two-Sisters Bluff, on Savannah river.

(All the rest of this act is obsolete.)

Preamble.

Enacted.
That a ferry
over Savannah
river be esta-
blished at the
Two-Sisters
Bluff.

PETER MANIGAULT, SPEAKER.

WILLIAM BULL.

An Act for the Preservation of *Deer, and to prevent the Mischiefs arising from Hunting at unseasonable Times.

N^o. 1103.

WHEREAS many idle, loose, and disorderly persons, as well residents as non-residents in this Province, have made, and do make, a constant practice of wandering up and down the same, and of killing the deer, merely for the sake of the skins, leaving the flesh to rot; whereby wolves, and other beasts of prey, are brought among the stocks of cattle, hogs, and sheep, to the great annoyance and damage of the owners thereof: *And whereas* the dangerous practice of hunting and killing of deer, in the night time, by carrying of lighted torches through the woods, is now become very common; by means whereof several persons have been killed, and great numbers of all sorts of cattle are frequently destroyed, to the manifest injury of the owners of the same: For remedy thereof, and in order to prevent, as much as may be, the like mischiefs in future, *Be it enacted*, That from and after the passing of this act, it shall and may not be lawful for any person whatsoever, to shoot or kill any doe or fawn, between the 1st day of January, and the last day of July, which shall be in any year; nor to shoot or kill any buck, between the 1st day of September, and the last day of October, and between the 1st day of March, and the last day of April, in any year. And if any person whatsoever, shall presume to hunt, shoot or kill, or otherwise destroy any buck, doe, or fawn, running wild in the woods, within the times herein-before respectively limited, every person so offending, shall forfeit and pay the sum of £ 2 proclamation money, for every buck, doe, or fawn, so killed or destroyed; the same to be recovered before any justice of the peace, in the county where such offence shall be committed, upon conviction, by the oath of 1 sufficient witness, or on confession of the party, such penalty to be applied and disposed of, in the manner herein-after directed. *Provided*, That nothing in this act contained, shall extend, or be construed

Preamble.

Enacted.
That no doe or
fawn shall here-
after be killed
between the 1st
of January and
last of July, nor
buck between
the first of Sept.
and last of Octo-
ber, or first of
March and last
of April, in any
year, under a
penalty of 4s.
Proclamation
money, for eve-
ry one so killed.
Provided.

* This act was perpetuated by revival act of 12th March, 1783. See A. A. 13th March, 1789, amending this.

The Public Laws

A. D. 1769. strued to extend, to deprive the Indians, in amity with this Province, of any right or privileges that they are entitled to, by virtue of any treaty now subsisting between them and this government. And, if any servant, or slave, by command of his or her master, mistress, or overseer shall so shoot or kill any deer as aforesaid, the party giving such command, shall be liable to the like penalties respectively: And if such servant or slave, cannot prove such command (by a ticket in writing, from his or her master, mistress, or overseer) he or she shall receive, by order of such justice of the peace, for every such offence, 20 lashes, on the bare back, unless security be given for payment of the fine, within 1 month after such conviction. *Provided always,* That it shall and may be lawful to and for any freeholder, or house-keeper, at any time, to kill, or cause to be killed, any kind of deer in his inclosed grounds, without being liable to any penalty for so doing. *Provided also,* That nothing in this act contained, shall extend, or be construed to extend, to any person who shall kill, at any time, any deer for food, for the necessary subsistence of himself or family, so as such person do not sell or dispose of the skin of any deer so killed. And in case any person shall be prosecuted for killing deer, within the times prohibited by this act, and such person shall allege, that he killed such deer for food for the necessary subsistence of himself or family, the burthen of the proof shall lie on the person so prosecuted.

No deer to be
hunted or killed
in the night
time.

Nor on any
lands, 7 miles
distance from
the hunter's re-
sidence, with-
out the proprie-
tors consent.

II. Any person or persons (the Indians above mentioned only excepted) who shall hereafter hunt or kill any deer, in the night time, except in their own inclosed grounds, for every such offence, shall forfeit and pay the sum of £ 4 proclamation money, to be applied and disposed of in the manner herein-after directed.

III. If any person, at any time whatsoever, shall hunt or range, on any lands whatsoever, without the consent of the proprietor, at a greater distance from his or her place of residence, than 7 miles, every such person so offending, shall forfeit and pay the sum of £ 2 proclamation money, for every such offence. All which penalties and forfeitures, herein-before mentioned, shall and may be recovered before any justice of the peace, in the county where any of the offences aforesaid shall be committed; and when received, shall be divided and paid, one half to and for the use of the poor of the parish where the offence shall be committed, and the other half to the person who will inform for the same; and the oath of 2 credible witnesses, or the confession of the party accused, shall be allowed as sufficient evidence to convict the offender, by every justice of the peace, before whom information shall be made, of any of the offences aforesaid. And in case any person, so convicted as aforesaid, shall refuse or neglect to pay such fine, then it shall and may be lawful for the justice of the peace, before whom he shall be so convicted, to commit such person to the common gaol in Charlestown, or to the county gaol, when such shall be built, there to remain, without bail or mainprise, for the space of 2 months. And where the owners of any lands shall prosecute, for any unlawful hunting and ranging on his or her lands, the oath of such owner shall be sufficient evidence to convict the offender; but in that case, the whole penalty shall go to the poor of the parish.

PETER MANIGAULT, SPEAKER.
WILLIAM BULL.

A. D. 1770. An Act for establishing a Ferry over Saludy River,
N^o. 1106. at the Lands of Robert Cunningham; and also
another Ferry over Savannah River opposite to
Title. Augusta in Georgia; and appointing Commissioners to lay out, make and keep in repair, several Roads leading thereto.

Recital.

I. WHEREAS the inhabitants living in the Fork of Broad and Saludy river, Ninety-Six, Steven's Creek, Long Canes, and parts adjacent; by their humble petition to the General Assembly, have represented many inconveniences which they labour under, for